

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

MARTIN GOTTESFELD,

Defendant

16-CR-10305-NMG

GOVERNMENT'S EMERGENCY MOTION FOR AN ORDER TO SHOW CAUSE

The United States of America, by its attorneys, United States Attorney Andrew E. Lelling, and Assistant U.S. Attorney Amy Harman Burkart, respectfully submits this Emergency Motion for an Order to Show Cause why Dana Gottesfeld, a/k/a Dana Barach, wife of Defendant Martin Gottesfeld, should not be held in Contempt of Court for her failure to comply with the order issued orally by this Court on March 19, 2018.

Defendant Gottesfeld and Ms. Gottesfeld have been engaged in an escalating pattern of conduct to harass and attempt to intimidate current and former members of the prosecution team and other members of the U.S. Attorney's Office ("USAO"). On March 9, 2018, Mr. Gottesfeld directly addressed AUSA D'Addio directly in Court, accusing him of "cover[ing] up" "child torture" and calling another member of the USAO a "pedophile." Affidavit of Special Agent Michael Bordini ("Bordini Dec"), ¶ 3. On March 17, 2018, AUSA D'Addio received an email from the email account "mgottesfeld@gmail.com" calling him a "lying scumbag." Bordini Dec, ¶ 4. This is the same email account that Ms. Gottesfeld used just days before, on March 14, 2018, to send documents to Defendant Gottesfeld's attorney, Ray Gillespie, stating "Hi Ray, This is Dana. Marty asked me to forward these to you from his gmail as well." Dkt. 128, Ex. 3. On March 19, 2018, at a Show Cause Hearing before this Court, the Government made the Court

aware of the email. (Dkt. 129). Defendant Gottesfeld was not in Court, but Ms. Gottesfeld was present in the gallery. The Court ordered that Defendant Gottesfeld and, in substance anyone within the sound of the Court's voice, not contact the Government, advising Mr. Gottesfeld's attorney to advise his client of the prohibition. As Ms. Gottesfeld was present, this Order applied to her and her husband with equal force.

On March 22, 2018, the Government again made the Court aware of a series of actions taken by Defendant Gottesfeld and Ms. Gottesfeld targeting current and former members of the USAO. Ms. Gottesfeld was again in court. That same day, the "FreeMartyG" twitter account reengaged in communications specifically directed at the prosecutors, retweeting an article calling a former member of the prosecution team a "pedophile" and stating "Thank you prosecutor D'Addio for mentioning the below matter yet again on the record and therefore enshrining it for all time. You are still an epic douche bag though." Bordini Dec, ¶ 5.

Last night, after yesterday's lengthy court hearing, Defendant Gottesfeld and/or Ms. Gottesfeld again took to Twitter,¹ calling members of the USAO "despicable federal scumbags." Bordini Dec, ¶ 6. More significantly, despite the Court's order, Ms. Gottesfeld engaged in a troubling escalation of harassment: She directly contacted the mothers of both prosecutors on the trial team. Bordini Dec, ¶ 7-8. Both women live out of state, and were called late at night at their homes by Ms. Gottesfeld, who introduced herself by her maiden name "Dana Barach" and claimed to be an "independent journalist" looking for information on their sons. Id. Ms. Gottesfeld persisted in talking to one of the mothers, an eighty-year-old woman, about "child abuse." Id. Both women were forced to hang up on her to end the conversation. Id.

¹ Defendant Gottesfeld is incarcerated and has limited access to social media and email. However, there have been numerous instances, including the email forward discussed herein, where Ms. Gottesfeld has acted in coordination with Defendant Gottesfeld to communicate on his behalf and/or with his support on accounts in his name.

The disregard for the Court's order and disrespect for the rule of law displayed by both Defendant Gottesfeld and Ms. Gottesfeld has gone on for too long, and this most recent action requires a response from this Court. The United States respectfully requests that the Court grant this motion and issue an order to show cause why Ms. Gottesfeld should not be held in Contempt of Court for violating the Court's Order of March 19, 2018. The United States also moves this Court to impose appropriate sanctions on Ms. Gottesfeld for her conduct to date, and to issue a written order directing the Defendant and Ms. Gottesfeld to cease and desist from engaging in any communication with members of the USAO and their families by any means, direct or indirect.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Amy Harman Burkart
Amy Harman Burkart
Assistant U.S. Attorney

Dated: June 14, 2018

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Amy Harman Burkart

Amy Harman Burkart
Assistant United States Attorney

Date: June 14, 2018